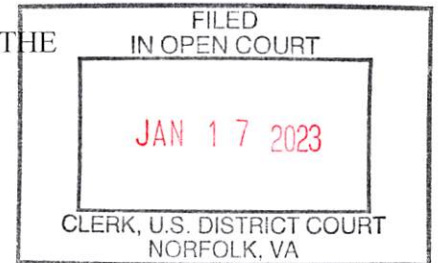


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



UNITED STATES OF AMERICA

v.

No. 2:22-cr-141

ETHAN ROBERTS,

Defendant.

STATEMENT OF FACTS

The parties stipulate that the allegations in Count Two of the pending indictment and the following facts are true and correct, and that had the matter gone to trial the United States would have proven them beyond a reasonable doubt with admissible, credible evidence.

1. On August 8, 2022, the Norfolk Police Department (NPD) was contacted by family members who advised officers that they had not seen their 15-year-old daughter, hereinafter referred to as Jane Doe, since August 3, 2022. The investigation revealed that Jane Doe was last seen by family and friends on August 3, 2022.
2. Jane Doe's mother stated to NPD officers that Jane Doe was introverted and did not leave the residence unless it was to take short walks with her brother or to stay at a friend's house in Virginia Beach, Virginia. It was not unusual for Jane Doe to stay in her room for long periods of time, only leaving to use the restroom and obtain food. Jane Doe's mother stated that Jane Doe did not go to school because of social anxiety. Jane Doe was known by friends and family to be very active on the Internet and to communicate with numerous unknown individuals online across multiple social media platforms.

ER

3. Investigators conducted interviews with members of Jane Doe's family and with her friends. It was determined that none of the interviewed parties had been able to make positive contact in person or electronically with Jane Doe since August 3, 2022.

4. Jane Doe had no history of running away. There were no recent fights or arguments with family members or friends, nor any other known negative incident that could be an explanation for Jane Doe voluntarily leaving. Friends and family members reported to investigators that Jane Doe was in good spirits recently and had been making future plans to spend time with friends to celebrate one of the friend's birthdays.

5. Jane Doe used social media, and law enforcement obtained exigent requests to review the login records and associated IP Addresses used to access various accounts associated with Jane Doe. Legal processes were also obtained to review content from Jane Doe's social media accounts. No account activity was located that could be attributed to being used by Jane Doe after August 3, 2022.

6. Jane Doe's friends and family reported that Jane Doe had been secretive recently about an individual that she had been talking to on an electronic messaging platform. Jane Doe's friends believed that the platform was Snapchat, however, the friends that observed this activity believed that Jane Doe was using a newly-created Snapchat user account to communicate with this individual because the notification tone was different than her usual notification tone. On multiple occasions, Jane Doe would receive a notification tone from this individual on her phone and walk into another room to respond without her friends nearby.

7. Upon searching Jane Doe's bedroom, Jane Doe's family determined that her cellular phone and Nintendo Switch gaming system were both missing.

my
Ace
ER

8. Prior to Jane Doe's disappearance, Jane Doe utilized the online features of the Nintendo Switch, called Nintendo Switch Online, which allowed her to play games with other players over the Internet and to add other Nintendo Switch player accounts as "friends". On August 8, 2022, approximately five days after Jane Doe's disappearance, one of Jane Doe's friends observed account activity on Jane Doe's Nintendo Switch Online account. This activity showed that Jane Doe's Nintendo Switch had utilized the YouTube application for approximately five hours sometime between August 8, 2022, and August 9, 2022. Additionally, an individual with control of Jane Doe's Nintendo Switch Online account changed the user account icon, account nickname, and "unfriended" the Nintendo account belonging to Jane Doe's friend.

9. On August 12, 2022, a friend of Jane Doe that could still see Jane Doe's Nintendo Switch Online account saw that Jane Doe's account logged 25 additional hours of time on YouTube and had downloaded a new game that Jane Doe had previously said she wanted.

10. On August 12, 2022, data received from Nintendo pursuant to an exigent request indicated that Jane Doe's Nintendo Switch had recently connected to Wi-Fi access point utilizing a public SSID named "Residence-Tolleson-Cox".

11. An exigent request was made to Cox Communications for account information associated with the MAC address of the router to which Jane Doe's Nintendo Switch connected.

12. Additional data was obtained from Nintendo that indicated that Jane Doe's Nintendo Switch had consistently connected to her home Wi-Fi network in Norfolk until August 3, 2022. The Switch was then offline until August 6, 2022, when the Switch went back online and began accessing the Internet using IP address 24.120.111.230.

13. Cox Communications was provided with this IP address and returned the following subscriber information for 24.120.111.230: Siegel Suites Tolleson in Tolleson, Arizona.

Acc
ER

14. On August 14, 2022, FBI agents observed a white male subject enter a certain apartment at Siegel Suites Tolleson, a location believed by agents to possibly be the location where Jane Doe was located. Police Officers from the Tolleson Police Department conducted a welfare check at the apartment and located Jane Doe inside of the apartment with defendant, Ethan ROBERTS, who is 28 years old.

15. On August 16, 2022, Jane Doe was interviewed by a FBI Child Adolescent Forensic Interviewer. Jane Doe disclosed that she met ROBERTS in January 2022, when she was 14 years old, on Omegle, an online chatting platform. Jane Doe informed ROBERTS she was 14 years old. After a couple days of talking the two began utilizing Snapchat and Discord, two additional online applications utilized for online communication.

16. During the approximately seven months of online communication, Jane Doe sent sexually explicit images, including of her vaginal area, to ROBERTS at his request. ROBERTS sent nude images of himself to Jane Doe.

17. These images were sent via the Internet. The Internet is a global network of computers with which one communicates when on-line; is a network that crosses state and national borders, and is a facility of interstate and foreign commerce.

18. After seven months of communication with Jane Doe, ROBERTS bought a Greyhound bus ticket from Phoenix, Arizona to Norfolk, Virginia. ROBERTS arrived in Norfolk on August 3, 2022, and met Jane Doe in person.

19. On August 4, 2022, ROBERTS and Jane Doe took a Greyhound bus from Norfolk, Virginia, to Phoenix, Arizona. ROBERTS reportedly utilized "Lyft", a commonly used transportation application, to book a ride from the bus station to his apartment in Arizona.

20. Jane Doe disclosed that sometime between August 6, 2022, and August 14, 2022, ROBERTS instructed Jane Doe to meet individuals online using Omegle and sell nude images of herself to them via Snapchat. Electronic devices located inside of ROBERTS' apartment were used to capture these photographs and disseminate them to other individuals.

21. The electronic devices were transported to FBI Norfolk and were received on or about August 15, 2022. The FBI applied for and received a federal search warrant for the devices. A review of ROBERTS' electronic devices show numerous images of Jane Doe engaging in sexually explicit conduct that she sent to ROBERTS at his request.

22. The investigation and evidence show that between on or about January 1, 2022, and August 3, 2022, in the Eastern District of Virginia and elsewhere, defendant ETHAN ROBERTS, employed, used, persuaded, induced, enticed, and coerced a minor, namely Jane Doe, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct and defendant knew and had reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, that the visual depiction was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and that such visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

23. An example of the images of Jane Doe sent to ROBERTS at his request included a visual depiction of Jane Doe naked and touching her genitalia.

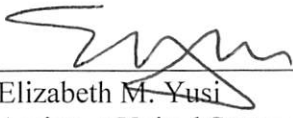


24. The defendant's participation in the events described above was undertaken knowingly, intentionally, and unlawfully, and not as a result of an accident, mistake, or other innocent reason.

25. The defendant acknowledges that the foregoing statement of facts does not describe all of the defendant's conduct relating to the offense charged in this case nor does it identify all of the persons with whom the defendant may have engaged in illegal activities.

JESSICA D. ABER
UNITED STATES ATTORNEY

By: _____


Elizabeth M. Yusi
Assistant United States Attorney

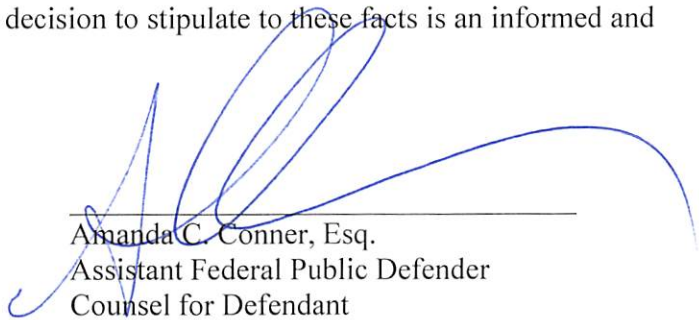


U.S. v. ETHAN ROBERTS, 2:22cr141

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, ETHAN ROBERTS, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.


ETHAN ROBERTS

I am ETHAN ROBERTS' attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.


Amanda C. Conner, Esq.
Assistant Federal Public Defender
Counsel for Defendant